

Liza M. Walsh  
Katelyn O'Reilly  
CONNELL FOLEY LLP  
85 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 535-0500

Anthony R. Pecora  
Matthew A. Dooley  
STUMPHAUZER O'TOOLE  
5455 Detroit Road  
Sheffield Village, Ohio 44054  
(440) 930-4001

Jack L. Kolpen  
Thomas B. Cunniff  
Irina B. Elgart  
FOX ROTHSCHILD LLP  
Princeton Pike Corporate Center  
997 Lenox Drive, Building Three  
Lawrenceville, NJ 08648  
(609) 896-3600

*Counsel for Plaintiff  
and the Putative Class*

*Attorneys for Defendant  
New England Motor Freight*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

LEONARD SMITH,

Plaintiff,

v.  
NEW ENGLAND MOTOR FREIGHT, INC.,

Defendant,

Hon. William J. Martini

Hon. Mark Falk

Civil Action No. 2:12-CV-03559-WJM-MF

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD**

**PLEASE TAKE NOTICE** that Plaintiff Leonard Smith and Defendant New England Motor Freight, Inc. (collectively, the "Parties"), through undersigned counsel, shall move before the Honorable Mark Falk, U.S.M.J., at the United States District Court for the District of New Jersey, 50 Walnut Street, Newark, New Jersey, on December 2, 2013, or as soon thereafter as the matter may be heard, for the entry of an Order granting the

Parties' joint motion for preliminary approval of proposed class settlement, certification of a class for the purposes of settlement, and approval of the form and manner of notice.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, the Parties will rely upon the accompanying Memorandum of Law in support thereof, any additional submissions made hereafter, all of the pleadings and other documents on file in this action, all of the matters of which the Court may or must take judicial notice, and such argument as the Court may entertain.

Dated: October 30, 2013

Respectfully Submitted,

**STUMPHAUZER | O'TOOLE**

By: s/Anthony R. Pecora

Anthony R. Pecora (0069660)  
Matthew A. Dooley (0081482)  
5455 Detroit Road  
Sheffield Village, Ohio 44054  
Telephone (440) 930-4001  
Fax: (440) 934-7208  
Email: apecora@sheffieldlaw.com  
mdooley@sheffieldlaw.com

*Counsel for Plaintiff and the putative class*

**CONNELL FOLEY**

By: s/Liza M. Walsh

Liza M. Walsh  
Katelyn O'Reilly  
85 Livingston Avenue  
Roseland, New Jersey  
Telephone: (973) 535-0500  
Facsimile: (973) 535-9217  
E-mail: lwalsh@connellfoley.com

Jack L. Kolpen  
Irina B. Elgart  
**FOX ROTHSCHILD LLP**  
Princeton Pike Corporate Center  
997 Lenox Drive, Building Three  
Lawrenceville, NJ 08648-2311

*Counsel for Defendant New England Motor  
Freight, Inc.*